

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

SHANNON R.,¹)
Plaintiff,)
v.) Civil Action No. 5:20-cv-00084
KILOLO KIJAKAZI, Acting) By: Elizabeth K. Dillon
Commissioner, Social Security) United States District Judge
Administration,)
Defendant.)

ORDER

In this social security case, plaintiff Shannon R. and defendant Kilolo Kijakazi, Acting Commissioner of the Social Security Administration (the Commissioner), both moved for summary judgment under Federal Rule of Civil Procedure 56. (Dkt. Nos. 15, 17.) Pursuant to 28 U.S.C. § 636(b)(1)(B), the court referred the motions to U.S. Magistrate Judge Joel C. Hoppe for a report and recommendation (R&R).

On March 4, 2022, the magistrate judge issued his R&R, recommending that the court grant Shannon R.'s motion for summary judgment, deny the Commissioner's motion for summary judgment, reverse the Commissioner's final decision, remand this matter under the fourth sentence of 42 U.S.C. § 405(g), and dismiss this case from the court's docket. (R&R 34, Dkt. No. 19.) The magistrate judge also advised the parties of their right under 28 U.S.C. § 636(b)(1)(C) to file written objections to his proposed findings and recommendations within 14 days of service of the R&R. (*Id.*)

¹ Due to privacy concerns, the court is adopting the recommendation of the Committee on Court Administration and Case Management of the Judicial Conference of the United States that courts only use the first name and last initial of the claimant in social security opinions.

The deadline to object to the R&R has passed, and no party has filed an objection. “[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Upon reviewing the record here, the court is satisfied that there is no clear error.

Accordingly, the court hereby ORDERS as follows:

1. The R&R (Dkt. No. 19) is ADOPTED;
2. Plaintiff’s motion for summary judgment (Dkt. No. 15) is GRANTED to the extent it seeks remand;
3. The Commissioner’s motion for summary judgment (Dkt. No. 17) is DENIED;
4. The final decision of the Commissioner of Social Security is REVERSED; and
5. This matter is REMANDED pursuant to the fourth sentence of 42 U.S.C. § 405(g).

An appropriate judgment order will be entered.

Entered: March 22, 2022.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge